

EXHIBIT A

PEREZ DECLARATION

O'MELVENY & MYERS LLP

Times Square Tower
Seven Times Square
New York, New York 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
Stuart M. Sarnoff
Peter Friedman
Diana M. Perez

-and-

MAYER BROWN LLP

1221 Avenue of the Americas
New York, New York 10020-1001
Telephone: (212) 506-2151
Douglas Spelfogel

Attorneys for Pacific Alliance Asia Opportunity Fund L.P.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GENEVER HOLDINGS LLC,

Debtor.

Chapter 11

Case No. 20-12411 (JLG)

Re: ECF Nos. 165, 167

**DECLARATION OF DIANA PEREZ IN SUPPORT OF OBJECTION OF
PACIFIC ALLIANCE TO THE DEBTOR'S MOTION TO APPROVE THE
DISCLOSURE STATEMENT AND, THEREAFTER, ENTRY OF AN ORDER
SCHEDULING A CONFIRMATION HEARING AND APPROVING
NOTICE PROCEDURES RELATING TO CONFIRMATION**

I, Diana Perez, declare:

1. I am an attorney admitted to practice law in the State of New York and am a senior counsel at the law firm of O'Melveny & Myers, 7 Times Square, New York, NY 10036, counsel for Pacific Alliance Asia Opportunity Fund L.P. ("PAX"). I respectfully submit this Declaration in support of the *Objection of Pacific Alliance to the Debtor's Motion to Approve the Disclosure*

Statement and, Thereafter, Entry of an Order Scheduling a Confirmation Hearing and Approving Notice Procedures Relating to Confirmation.

2. Attached as **Exhibit 1** is a true and correct copy of a screenshot from the StreetEasy website <https://streeteasy.com/building/sherry-netherland/18fl> (last visited March 14, 2022).

3. Attached as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the May 27, 2021 Hearing before Justice Ostrager in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 65077/2017 (N.Y. Sup.), NYCEF Doc. No. 833.

4. Attached as **Exhibit 3** is a true and correct copy of excerpts of the October 3, 2018 Deposition of Miles Kwok filed as Exhibit 5 to the *Memorandum of Law in Support of PAX's Order to Show Cause (I) to Compel Compliance With Article 52 Subpoena Served on Nonparty Golden Spring (New York) Limited, and (II) to Modify the Court's October 15, 2020 Order in Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYCEF Doc. No. 785.

5. Attached as **Exhibit 4** is a true and correct copy of Genever Holdings Corporation's Certificate of Incorporation, filed as Exhibit 5 to the *Memorandum of Law in Support of PAX's Motion for Pre-Judgment Order of Attachment in Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYCEF Doc. No. 252.

6. Attached as **Exhibit 5** is a true and correct copy of the May 15, 2018 Affidavit of Yanping Wang, and Exhibit A thereto, filed in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYCEF Doc. Nos. 182 and 183.

7. Attached as **Exhibit 6** is a true and correct copy of the September 22, 2021 Order of Justice Ostrager in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYCEF Doc. No. 904.

8. Attached as **Exhibit 7** is a true and correct copy of a letter from S. Sarnoff to Justice Ostrager, dated March 3, 2022, in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYCEF Doc. No. 1192.

9. Attached as **Exhibit 8** is a true and correct copy of the February 9, 2022 Decision and Order of Justice Ostrager in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYSCEF Doc. No. 1181.

10. Attached as **Exhibit 9** is a true and correct copy of the November 20, 2021 Affidavit of Qiang Guo, filed in *Pacific Alliance Asia Opportunity Fund L.P. v. Genever Holdings Corp. et al.*, Case No. BVIHCOM2020/0137, Eastern Caribbean Supreme Court Virgin Islands in the High Court of Justice Commercial Division (B.V.I.).

11. Attached as **Exhibit 10** is a true and correct copy of a letter from Stevenson, Wong & Co. to The Sherry-Netherland, dated March 4, 2015, filed as Exhibit 8 to *PAX's Memorandum of Law in Support of a Motion for Pre-Judgment Order of Attachment in Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYSCEF No. 254.

12. Attached as **Exhibit 11** is a true and correct copy of the February 5, 2016 Affidavit of Kwok Ho Wan, filed in *Ace Decade Holdings Limited v. UBS AG*, Index No. 653316/2015 (N.Y. Sup.), NYSCEF Doc. No. 27.

13. Attached as **Exhibit 12** is a true and correct copy of the May 19, 2021 Affidavit of Yanping Wang, filed in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYSCEF Doc. No. 806.

14. Attached as **Exhibit 13** is a true and correct copy of a letter from M. Carvalho to E. Moss, dated February 1, 2021, filed as Exhibit 13 to *PAX's Memorandum of Law in Opposition*

to Nonparty Movant Yvette Wang's Motion for Relief Pursuant to CPLR 5240 in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYSCEF Doc. No. 765.

15. Attached as **Exhibit 14** is a true and correct copy of excerpts from the transcript of the December 18, 2020 341 Hearing in *In re Genever Holdings LLC*, Case No. 20-12411 (JLG) (Bankr. S.D.N.Y.).

16. Attached as **Exhibit 15** is a true and correct copy of a letter from K. Kearney to E. Moss, dated April 7, 2021, filed as Exhibit 13 to *PAX's Memorandum of Law in Opposition to Nonparty Movant Yvette Wang's Motion for Relief Pursuant to CPLR 5240 in Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 652077/2017 (N.Y. Sup.), NYSCEF Doc. No. 766.

17. Attached as **Exhibit 16** is a true and correct copy of the *Second Amended List of the 20 Largest Unsecured Creditors* filed on behalf of Ho Wan Kwok in *In re Ho Wan Kwok*, Case No. 22-50073 (JAM) (Bankr. D. Conn.), ECF No. 20.

18. Attached as **Exhibit 17** is a true and correct copy of excerpts from the transcript of the February 2, 2022 Evidentiary Hearing before Justice Ostrager in *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 65077/2017 (N.Y. Sup.), NYCEF Doc. No. 1179.

19. Attached as **Exhibit 18** is a true and correct copy of the February 9, 2022 Final Order of Civil Contempt, *Pacific Alliance Asia Opportunity Fund L.P. v. Kwok Ho Wan, et al.*, Index No. 65077/2017 (N.Y. Sup.), NYCEF Doc. No. 1182.

[Remainder of Page Intentionally Left Blank]

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 15, 2022
New York, New York

Respectfully submitted,

/s/ Diana M. Perez
Diana M. Perez (4636403)
O'MELVENY & MYERS
Time Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
Email: dperez@omm.com

*Attorneys for Pacific Alliance Asia
Opportunity Fund L.P.*